

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1492

JANIE K. THOMAS; ORVILLE THOMAS,

Plaintiffs - Appellants,

versus

DICK CORPORATION; COST COMPANY,

Defendants - Appellees.

Appeal from the United States District Court for the Southern
District of West Virginia, at Beckley. Robert C. Chambers,
District Judge. (CA-04-1205)

Submitted: September 30, 2005

Decided: October 21, 2005

Before MOTZ, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Ralph C. Young, HAMILTON, BURGESS, YOUNG & POLLARD, P.L.L.C.,
Fayetteville, West Virginia, for Appellants. Steven C. Hanley,
Tonya P. Mullins, KAY, CASTO & CHANEY, P.L.L.C., Charleston, West
Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Janie K. Thomas and Orville Thomas appeal the district court's orders dismissing their tort action and denying their motion to alter or amend judgment under Fed. R. Civ. P. 59(e). We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Thomas v. Dick Corp., No. CA-04-1205 (S.D. W. Va. Feb. 24 and Mar. 31, 2005). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED